IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 482 of 2004
In
Writ Petition No. 879 of 1998

Shri Anil Kishan Darade .. Petitioner.
V/s.
The Bombay Municipal Corporation .. Respondents.

Mr. V.J. Lulia for the Petitioner.
Mr. K. Ajithkumar for the Respondents.

(Mentioned. Not on Board).

CORAM : S. RADHAKRISHNAN &
S.J. VAZIFDAR, JJ.
DATED : 06.09.2004.

P.C. :-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. By this Notice of Motion, the Petitioner is seeking recall of our order dated 1.9.2004, whereby the above Petition is dismissed-in-default.

2. Perused the Affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide on the part of the Petitioner. Under these circumstances, Notice of Motion is made absolute in terms of prayer clause (a) and (b) and the same shall be subject to the Petitioner depositing a sum of Rs. 500/- with the Maharashtra State Legal Services Authority within a period of one week, as condition precedent. Place the Writ Petition No. 879 of 1998 on Board for final hearing on 20.9.2004.

(S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)